

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

KRISTINA WYATT

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CRIMINAL NO. 4:13-CR-046-SDJ-KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 13, 2020, to determine whether Defendant violated her supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Andrew Stover.

On April 9, 2014 United States District Judge Marcia A. Crone sentenced Defendant to a term of twenty-four (24) months' imprisonment on Count 12 of the First Superseding Indictment and forty-one (41) months' imprisonment on Count 13 of the First Superseding Indictment, to be served consecutively for a total imprisonment term of sixty-five (65) months. Defendant was also sentenced to a term of one (1) year of supervised release on Count 12 and a three (3) years of supervised release on Count 13, to run concurrently after her term of imprisonment. Defendant was further sentenced to pay \$83,833.74 in restitution and special assessment fees.

On March 26, 2019, Defendant's original term of supervised release was revoked, and Defendant was sentenced to ten (10) months' imprisonment, followed by twenty-four (24) months of supervised release, to run consecutively with any other sentenced being served, with the first one hundred eighty (180) days of supervised released to be served in a residential reentry facility.

On January 13, 2020, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 73). The Petition asserts Defendant violated the following condition of supervision: Defendant shall report to the Probation Officer in the federal district in which Defendant is authorized to reside within seventy-two (72) hours of being released from imprisonment, unless the Probation Officer instructs Defendant to report to a different probation office or within a different time frame.

The Petition asserts that Defendant violated this condition because Defendant failed to report to the U.S. Probation Office within seventy-two (72) hours of her release.

At the November 13, 2020 hearing, Defendant entered a plea of true to the allegation. *See* Dkt. 85. Defendant also consented to revocation of her supervised release, waived her right to object to the proposed findings and recommendations of the undersigned, and waived her right to appear before the District Judge. *See* Dkt. 86. The Court finds that Defendant has violated the terms of her supervised release, and thus, her supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the November 13, 2020 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no additional term of supervised release imposed. The Court further recommends Defendant be placed at the Bureau of Prisons’ facility in Carswell, Texas.

So ORDERED and SIGNED this 5th day of May, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE